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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
HAROLD D. SAVITZ and )  
MANORS OF HIGHLAND PARK )  
CONDOMINIUM ASSOCIATION, )  
 )  
vs. ) No. 10-0598  
 )  
COMMONWEALTH EDISON COMPANY )  
 )  
Complaint as to billing/charges )  
In Highland Park, Illinois. )

Chicago, Illinois  
March 19, 2012

Met pursuant to notice at 1:00 p.m.

BEFORE:

MS. LESLIE HAYNES, Administrative Law Judge.

1 APPEARANCES:

2 MR. HAROLD D. SAVITZ  
3 1019 Deerfield Place  
4 Highland Park, Illinois 60035  
5 Appearing pro se;

6 MR. ALLEN KOVIN  
7 Appearing pro se  
8 On behalf of the Manors of Highland Park  
9 Condominium Association;

10 MR. MARK. L. GOLDSTEIN  
11 3019 Province Circle  
12 Mundelein, Illinois 60060  
13 Appearing on behalf of Commonwealth Edison  
14 Company.

15 ALSO PRESENT:

16 Ms. Erin Buechler  
17 Mr. John Valdez

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SULLIVAN REPORTING COMPANY, by  
Tracy L. Overocker, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
None.					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None	so	marked.

1 JUDGE HAYNES: Pursuant to the direction of the  
2 Illinois Commerce Commission, I now call Docket  
3 10-0598. This is the complaint of Harold D. Savitz  
4 and Manors of Highland Park Condominium Association  
5 versus Commonwealth Edison Company.

6 May I have the appearances for the  
7 record, please, starting with you, Mr. Savitz.

8 MR. HAROLD SAVITZ: Okay.

9 JUDGE HAYNES: Your name and address.

10 MR. HAROLD SAVITZ: 1019 -- oh, my name is  
11 Harold Savitz, 1019 Deerfield Place, Highland Park  
12 60035.

13 JUDGE HAYNES: Thank you.

14 MR. ALLEN KOVIN: Allen, A-l-l-e-n, Kovin,  
15 K-o-v-i-n, representing the Manors of Highland Park.  
16 I'm treasurer and also take care of the buildings and  
17 grounds, managing it.

18 MR. GOLDSTEIN: For Commonwealth Edison  
19 Company, Mark L. Goldstein, 3019 Province Circle,  
20 Mundelein, Illinois 60060. My telephone number is  
21 (847) 949-1340. With me this afternoon is Erin  
22 Buechler and John Valdez of ComEd.

1 JUDGE HAYNES: Okay. I am the new  
2 administrative law judge assigned to this matter and  
3 I was wondering if someone would like to bring me up  
4 to date on what's been happening.

5 MR. HAROLD SAVITZ: I have been here longer  
6 than anybody else.

7 JUDGE HAYNES: Okay. Go ahead, you can start.

8 MR. HAROLD SAVITZ: When I moved into this  
9 development in 1983, a few years ago, I noticed that  
10 they had electric heaters in the halls and being an  
11 electrical contractor, I knew that you had to have a  
12 separate meter to get the special rate which we --  
13 they didn't have. So I got together with a marketing  
14 gentleman from Rayhold Wald (phonetic), from  
15 Commonwealth Edison and they decided there was no way  
16 to add the meter on the outside of the building.

17 JUDGE HAYNES: I reviewed what's been said in  
18 here. I was just curious since more -- the recent  
19 history.

20 MR. GOLDSTEIN: Perhaps I can bring everybody  
21 up to date as far as I understand what has happened,  
22 Judge.

1 JUDGE HAYNES: Okay.

2 MR. GOLDSTEIN: My understanding is that the  
3 meters in question have all been exchanged out.  
4 Everything has been tested and new meters are working  
5 properly. There have been credits issued to Manors  
6 of Highland Park. So -- insofar as all that is  
7 concerned, ComEd has done everything imaginable in  
8 order to solve whatever the problems were out at The  
9 Manors.

10 The remaining issue is that The Manors  
11 of Highland Park are probably entitled to a credit  
12 from Constellation New Energy, the supplier of  
13 energy, to The Manors. There has been a calculation  
14 and a spreadsheet provided to Mr. Kovin and to Mr.  
15 Savitz this afternoon showing what Mr. Valdez has  
16 estimated the credit to be. Obviously, ComEd has no  
17 control over when that credit would be applied, how  
18 it would be applied and so on and so forth.

19 So I guess as far as ComEd is  
20 concerned, we have done everything possible in order  
21 to solve all the problems that may have been created  
22 with the metering out there and there's nothing else

1     for us to do.

2             JUDGE HAYNES:   Would one of you like to respond  
3     or add to that?

4             MR. ALLEN KOVIN:   Yeah, I'd like to respond.

5             JUDGE HAYNES:   Okay.

6             MR. ALLEN KOVIN:   Everybody at the table is  
7     very nice, but ComEd has not acted in good faith  
8     through this whole thing.   They -- I have faxes.   I  
9     have letters.   I have stuff like that.   The issue  
10    with the meters that Mr. Savitz brought up, they made  
11    us go down to Oak Brook.   Okay.   I've been here four  
12    times -- three times, this is the fourth time here.  
13    I have been to Oak Brook.   I have a job.   I have to  
14    take off personal days to come down here.   He gets  
15    paid.   He gets paid.   She gets paid.   You get paid.  
16    I take personal days.

17             Mr. Gilbert said that -- Judge Gilbert  
18    said that he wanted us to act in good faith sharing  
19    information and stuff like that.   When we first  
20    started, Mr. Goldstein asked for our invoices.   Three  
21    days later, I sent him the invoices, okay.   Five  
22    months later, I got a reply from ComEd about any

1 papers that I requested, invoices and stuff like that  
2 and a fax and everything else, okay. If I show you  
3 and you question it or you go through the past  
4 records and I am lying, they can keep all their  
5 money. Okay.

6                   So five months went by and stuff like  
7 that. Then when the five months came -- five months  
8 came and they were supposed to give us information,  
9 the day that we meet Judge Gilbert -- the same day,  
10 which is what they did today with this -- the same  
11 day, they give us all kind of computer printouts.  
12 Okay. We had no way of looking at it and that sort  
13 of thing. Again, good faith, none on their part.  
14 Okay.

15                   I sent in February, I sent John -- oh,  
16 and when we got together with this here, they gave me  
17 a spreadsheet. Okay. I brought the spreadsheet to  
18 Oak Brook. I found some other invoices. I sent -- I  
19 talked to John after that. He said, Please send me a  
20 copy of the invoices. I sent them a copy of the  
21 invoices. I talked to a gal, Helga, there back in  
22 February. She said she was getting everything ready



1     for Constellation Energy. I called John and I said,  
2     John, who do I contact? He gave me boom, boom, boom.  
3     I called boom, boom, boom, find out that they don't  
4     know anything about it. Okay. Then I'm going up and  
5     back up and back up and back. Okay. I sent fax --  
6     you know, I've got all kinds of faxes here, okay, to  
7     John. Okay.

8                     Okay. Again, from February till now,  
9     nothing. They come in with this, okay, and I'm  
10    supposed to, you know, understand what all these are.  
11    Okay. Besides that, this here -- in looking and  
12    getting ready and stuff like that, I've got -- I have  
13    invoices from '06. Okay. For a 13-month period they  
14    charged in one building 29,000 kilowatt hours in one  
15    building. Now they admitted wrong on here. I would  
16    ask the judge to have them take the invoice -- now  
17    that's not Constellation Energy -- this is when we  
18    had ComEd as a sole person. Okay. They're the  
19    luckiest people around because when they went over to  
20    Constellation Energy, I had tons and tons and tons  
21    and tons of stuff that -- I'm self-managed, so we  
22    live in, you know, my house. I shredded everything.

1 I shredded 20 years of ComEd stuff. Okay.

2 The '06 shows that they overcharged us  
3 for '06. Judge, they've overcharged us for 20 years.  
4 Okay. Now, if it wasn't for Mr. Savitz starting  
5 up -- he started with his thing, I had no idea what  
6 was he was doing truthfully, and then I got into it  
7 and I found that Building 9 was so much higher than  
8 anybody else.

9 Here is my one-year period in '06.  
10 39,000 kilowatt hours; another building had 11,000.  
11 This here doesn't even come close to that. So, you  
12 know, we've been charged -- overcharged from Day 1.  
13 I don't have the records. That's my fault. That's  
14 not their fault. But it's been total lack of getting  
15 together. The attorneys -- okay, we came here -- the  
16 second time we came here, Mr. Savitz sent in a  
17 complaint to the Illinois Commerce in Springfield,  
18 then I sent another one in. Okay. I'm a janitor,  
19 I'm not an attorney. They bounced it back on us.  
20 Mr. Goldstein -- and I don't blame him, this is  
21 his -- this is his job, he got up at this desk  
22 sitting right here and -- he was in the courtroom and

1 he says, Unless they do the proper things, I'm asking  
2 to get dismissed. At that time, we brought in an  
3 attorney, we had no choice, our complex attorney, not  
4 somebody who is familiar with this kind of stuff.  
5 Okay. So we go there, to Oak Brook and all that.

6 We went to Oak Brook and from what I  
7 understand -- from what I understand and I'm not  
8 taking ComEd's side, but the gentleman there said  
9 that what they've done is we had a submeter and we  
10 had a regular meter as Mr. Savitz said. In-house  
11 they said they deducted it, but they never showed  
12 deductions on our bill. So we were misled from  
13 Day 1. We were looking at stuff we believe we were  
14 double-billed. Okay. This gentleman there, he  
15 brings out all this stuff here and, you know, boom,  
16 boom, boom. The questions I asked him, How could  
17 this happen? How can that happen? How can this  
18 happen? I don't know. I don't know. I don't know.  
19 I don't know.

20 So we got nowhere. Okay. We are a  
21 small complex. Okay. We cannot afford to pay an  
22 attorney, okay, because an attorney is going to

1 eat -- our attorney is wonderful. Our attorney said  
2 to us, Al, in good faith, I cannot justify my charges  
3 to you. There's not this much involved. You'll find  
4 out that whatever you get from ComEd is eating up.  
5 He's an up-front attorney. Okay. So that's our  
6 situation. We -- the only thing I've asked from  
7 ComEd is a letter from them, you know, saying how  
8 much money we get back from ComEd, okay -- from  
9 Constellation Energy. Okay. They also sent me money  
10 that they owed us. Now, we've been getting credits  
11 from them from a long time ago, but long before this  
12 stuff came into it and if I understand, that the  
13 credits that we're getting from them is credits for  
14 the --

15 MR. HAROLD SAVITZ: Delivery charges.

16 MR. ALLEN KOVIN: No, not the delivery charges,  
17 the -- excuse me for one second, oh, the submeters.  
18 The submeters should have been taken out in '07 and  
19 they weren't and these are all the rental charges for  
20 that. As far as I know, that was the only charges we  
21 were getting from ComEd. I don't know anything about  
22 this here. I don't know about any other credits that

1     they say they've given us.  Nothing has been given to  
2     myself or my attorney in a letter saying, We owe you  
3     so-and-so and that's it, and that's one of the  
4     reasons.  Okay.

5                     We -- the attorneys worked out, you  
6     know, a thing.  I signed it as a representative of  
7     the complex on my end.  Mr. Savitz refused to sign  
8     his end.  I'm not getting into an argument with him.  
9     He's a unit owner and that's it.  He refused to sign  
10    it only because he wanted a letter specifically  
11    saying dollars and cents what is owed for us and I  
12    have to tell you, he's correct because we've been  
13    very nice and very naive on this whole thing.  Okay.  
14    They have been overbilling us forever and even now  
15    when they changed the meters, okay, I took one month,  
16    okay, the meter's reading went down from -- in one  
17    month, 474 meters.  They changed the meters, it goes  
18    down to 276.  The meters were the problem.

19                    Now, I don't know if the meter reading  
20    -- now, Monica said at the time in the court records  
21    that their computer was wrong, that they -- somewhere  
22    on their end they goofed up and the computer reading

1     for that building -- that's why we're getting all  
2     these credits.  Okay.

3             JUDGE HAYNES:  So when did Constellation come  
4     into the picture?

5             MR. ALLEN KOVIN:  Well, Constellation, I guess,  
6     separated in '07 from ComEd.  ComEd through the  
7     delivery -- you'll have to explain that.  I don't  
8     know that, Mark.

9             MR. GOLDSTEIN:  You --

10            JUDGE HAYNES:  Switched.

11            MR. GOLDSTEIN:  -- negotiated a contract, I  
12     assume, with Constellation New Energy to provide you  
13     with the electric energy for your building complex.

14            MR. ALLEN KOVIN:  But they get all the  
15     information from ComEd.

16            MR. GOLDSTEIN:  We get the meter readings from  
17     ComEd, yes.

18            MR. ALLEN KOVIN:  The meter readings were wrong  
19     and Constellation New Energy charged us too much  
20     money --

21            MR. GOLDSTEIN:  And that's the spreadsheet that  
22     Mr. Valdez provided you.  Now, how Constellation goes

1     about and provides you with additional credit or  
2     credits, that's up to Constellation New Energy. I  
3     can't speak for them.

4             JUDGE HAYNES: So when did you switch to  
5     Constellation?

6             MR. ALLEN KOVIN: In '07, I believe.

7             MR. GOLDSTEIN: 2007.

8             MR. ALLEN KOVIN: But they own Constellation  
9     Energy.

10            MR. GOLDSTEIN: ComEd does not own  
11     Constellation.

12            MR. ALLEN KOVIN: You bought them.

13            MR. JOHN VALDEZ: Exelon.

14            JUDGE HAYNES: Exelon.

15            MR. ALLEN KOVIN: Well, it's the same --

16            MR. GOLDSTEIN: There's a big difference.

17            JUDGE HAYNES: For regulatory purposes.

18            MR. ALLEN KOVIN: Big difference for you, not  
19     for us -- to me. We got overcharged.

20            MR. JOHN VALDEZ: There was one meter in  
21     Building No. 9 where it was programmed incorrectly.

22            JUDGE HAYNES: Okay.

1           MR. JOHN VALDEZ:  It was, like, three times  
2   higher than what it should have been --

3           JUDGE HAYNES:  Okay.

4           MR. JOHN VALDEZ:  We put in a new meter and  
5   credited them back as far as they -- I think we can  
6   go two years but however long they can provide us  
7   bills, we credited them and that's what we did.

8           MR. ALLEN KOVIN:  Yes.

9           JUDGE HAYNES:  For the delivery charges --

10          MR. JOHN VALDEZ:  Correct.

11          JUDGE HAYNES:  -- in Building 9?  Okay.

12          MR. JOHN VALDEZ:  We changed the meter out --  
13   we changed the meter out and actually we tested all  
14   the meters and everything checks out good.

15          MR. ALLEN KOVIN:  But, John, it's not checking  
16   out good, okay, because --

17          MR. JOHN VALDEZ:  Building No. 9, though, we  
18   went over there and we took some amp readings, you  
19   know, you turned on the heaters.  We went through  
20   every building --

21          MR. ALLEN KOVIN:  Yeah, we did.

22          MR. JOHN VALDEZ:  -- it was pulling pretty



1 much, you know, some variations. But when we turned  
2 on -- you said when we turned on the breaker for the  
3 other heater, it doubled. You said you never use  
4 that heater.

5 MR. ALLEN KOVIN: Oh, the heater by the  
6 stairs --

7 MR. JOHN VALDEZ: Yes.

8 MR. ALLEN KOVIN: -- absolutely not.

9 MR. JOHN VALDEZ: So, I mean, that's the  
10 only -- it's either that or something else is wired  
11 into your -- into that service that we --

12 MR. ALLEN KOVIN: We closed down Building 9,  
13 pulled every circuit breaker. We informed the Fire  
14 Department to please take us out of service for a  
15 7-hour period. Not 1 kilowatt went on the meter, so  
16 we know that -- that's fine. But how do we explain  
17 the fact that Building 8 and Building 9 are the same  
18 buildings? Your Honor, they're the same buildings.  
19 The only thing that Building 1 is higher --  
20 Building 1 has an aerator for the fountain and we  
21 take that into consideration. We've never questioned  
22 Building 1.

1                   Okay. Now with the new meter, we've  
2   got one reading, 1411; the building next door is 887;  
3   1900; 12; 16, 1,000. That can't be. It can't be the  
4   way it is right now. Okay. So something is wrong.  
5   Now, if they said that the meter is fine -- but on  
6   their end the computer was wrong, I'm maintaining  
7   that the computer is still wrong.

8           MR. JOHN VALDEZ: We tested it. We tested the  
9   meter.

10          MR. ALLEN KOVIN: John, it can't be.

11          MR. GOLDSTEIN: Well --

12          MR. ALLEN KOVIN: What I'm doing, we had a  
13   company come in and look over the things, okay,  
14   everything for Mr. Savitz's situation, okay, and then  
15   I talked to him afterwards. He says, Al, the only  
16   thing you can do is take the readings every month and  
17   every few weeks, make sure that their bill -- the  
18   1642 is the same figure I got in the book; but  
19   something is wrong. It cannot be 60 percent higher.

20          MR. JOHN VALDEZ: I explained -- I mean, I  
21   don't know if any -- if any -- if there was any  
22   foreign load wired into that, I don't know. I was

1     telling you --

2             MR. HAROLD SAVITZ:   There is none.

3             MR. JOHN VALDEZ:   -- it's ComEd's -- we don't

4     do that.   We don't --

5             MR. HAROLD SAVITZ:   In fact, we're getting

6     bills right now for our sprinkler system which

7     never -- it doesn't work.

8             MR. ALLEN KOVIN:   The sprinkling system has

9     been off.   It's off from October and it goes back to

10    April and I'm getting --

11            JUDGE HAYNES:   Is it separately metered?

12            MR. ALLEN KOVIN:   Yes, they're all separate

13    meters.    Yes, ma'am.

14            MR. JOHN VALDEZ:   Each building has separate

15    meters.

16            JUDGE HAYNES:   The sprinkler has a separate

17    meter, too?

18            MR. ALLEN KOVIN:   Yes.   Yes.   And I'm getting

19    readings, you know -- well, the 1124, I would say

20    that part of that was the sprinkler system was on.

21    Okay.   278, you know, again, not much, but it's

22    1,115.   Why should there be anything?   It should be

1     zero?  It's off.  We don't do the sprinkler system in  
2     the wintertime.  Judge, there's things that are  
3     crazy -- definitely crazy about, you know, what  
4     happens.

5                     Another issue -- and which I didn't  
6     even bring into it -- we have four buildings of  
7     condos; we have five buildings of townhouses.  I  
8     didn't -- the condos are set by me personally with a  
9     timer, go on at 7:00, off at 7:00.  I do if that's --  
10    you know, what it turns -- you know, for that  
11    specific time of the year.  The condos, townhouses  
12    are different, they're on sensors and four buildings  
13    go this way, one building -- the sensor is misleading  
14    because on the dark day, it could stay on longer.  
15    We're in the process of -- I have now changed  
16    everything over to meters, but there was like -- one  
17    building was like twice as much as everything else,  
18    but I didn't bring it up.  I never brought it up only  
19    because I couldn't justify it because it wasn't a  
20    timer; but something is wrong with their building.  
21    Now whether it's done on their end -- if John says  
22    the meter is fine, the meter is fine.  I'm reading

1 the meters and it's matching the invoices, but  
2 somewhere between the invoice and their Billing  
3 Department, something is happening.

4 MR. JOHN VALDEZ: If your -- the readings that  
5 you are capturing by hand is matching your bills and  
6 it's deducting from last months prior and the cost --

7 MR. ALLEN KOVIN: I just started last month. I  
8 didn't do it previously. I just started last month.

9 MR. JOHN VALDEZ: Okay.

10 MR. ALLEN KOVIN: But then, again, the same  
11 thing, I got -- I got faxes to John in February,  
12 okay, asking him for the spreadsheet with the new  
13 things. Okay. And then I talked to Helga, another  
14 gal from ComEd, a few days later she said, Send all  
15 the bills. I sent all the bills, okay, then  
16 5 minutes before our hearing today, I get this.

17 Okay. I mean, this is what has  
18 been -- a total thing -- it has not been in good  
19 faith. Now whether they feel they'll outlast us --  
20 they'll really outlast us because I'm in -- my wife  
21 is probably going to outlast me and, you know, that's  
22 it. Throw me out of the house --

1           MR. HAROLD SAVITZ:   Plus my wife, too, is  
2   driving me nuts.

3           MR. ALLEN KOVIN:   That's it, your Honor.  Let's  
4   say these things are right.  Okay.  We're asking for  
5   just a few things and I think that what we're asking  
6   for is ComEd got off the hook big time.  Okay.  The  
7   two attorneys had worked out where -- the attorneys  
8   fees and the Company --

9           MR. GOLDSTEIN:   I'm going to object.  Please  
10   don't -- no, that's part of the settlement, Allen.  I  
11   don't want -- this will be on the record --

12          MR. ALLEN KOVIN:   Okay.

13          MR. GOLDSTEIN:   You know, I haven't objected to  
14   anything you've said so far.  Please do not talk  
15   about how we attempted to settle this matter.

16                           I think the bottom line is, though,  
17   Judge -- and all due respect to Mr. Kovin, we've done  
18   as much as we can to satisfy Manors of Highland Park.  
19   They may not agree with that, okay.  The only way to  
20   really test that, I guess, is to set this for an  
21   evidentiary hearing.  Let's have a hearing.  That way  
22   it doesn't keep getting continued time after time

1 after time. Let them put in whatever evidence they  
2 want and, obviously, we're going to put into evidence  
3 the fact that we've given them the credits that we  
4 believe they did merit, that we've put in new meters,  
5 that the meters have tested accurately and so on and  
6 so forth.

7 That's our case. It's not that  
8 complicated from our point of view. You know,  
9 tangentially, we can't do anything about what credits  
10 may or may not be issued by Constellation New Energy,  
11 we just can't. Constellation is not Commonwealth  
12 Edison Company.

13 MR. ALLEN KOVIN: So where does that put us,  
14 your Honor?

15 JUDGE HAYNES: Well, I was confused about what  
16 you were -- some of what you were saying. Do you  
17 agree -- are you still seeking more credits from  
18 ComEd?

19 MR. ALLEN KOVIN: Well, apparently the credits  
20 on this spreadsheet comes from Constellation Energy.

21 MR. JOHN VALDEZ: Correct.

22 MR. ALLEN KOVIN: Since I've been -- since I

1     was looking around getting ready for today, you know,  
2     I found this here which matches that '06 thing that I  
3     mentioned to you that this is -- these are invoices  
4     from ComEd before we switched over to Constellation  
5     Energy.

6             JUDGE HAYNES:   From what year?

7             MR. ALLEN KOVIN:   '06.

8             JUDGE HAYNES:   Okay.   Sorry.

9             MR. ALLEN KOVIN:   Yes, I would like to get  
10     credits for 29,000 hours that there's no way we could  
11     have had 29,000 hours --

12            JUDGE HAYNES:   And so --

13            MR. ALLEN KOVIN:   -- for one building.

14            JUDGE HAYNES:   -- this wasn't -- credits  
15     weren't issued for that --

16            MR. ALLEN KOVIN:   No.

17            JUDGE HAYNES:   -- because the Company is only  
18     giving you credit for your delivery services, not for  
19     the electricity?

20            MR. ALLEN KOVIN:   Right.   This here supposedly  
21     should come from ComEd, but I would like to  
22     understand, please, where the credits are coming



1 from. We have gotten credits on our statement, but  
2 the credits came long before any of this was even  
3 brought up.

4 MR. JOHN VALDEZ: No, we issued a credit of  
5 800-some -- I don't have -- actually, I do. We  
6 issued a credit of 800 -- let me see if I have it --  
7 months ago.

8 MR. HAROLD SAVITZ: Can I ask one question?

9 JUDGE HAYNES: 867.

10 MR. JOHN VALDEZ: Yes. And then recently we  
11 issued a credit of \$616 and then another one of \$71.  
12 That brought us up to date according to the biller.  
13 I'm not the biller, but she -- on the way here, she  
14 informed me of that. She looked at your account.

15 MR. ALLEN KOVIN: Your Honor, the first credit  
16 I got was November 23rd, 2010. None of this was even  
17 going further by that time. I don't know where they  
18 got the credit. I appreciate the credit, but where  
19 did they get the credit? And I assume it was the  
20 credit for the meters that they took -- not the  
21 meters -- subtracting meters that they took out that  
22 they should have taken out a few years ago.

1           MR. JOHN VALDEZ: The master subtractive  
2 meters -- we thought initially that -- you guys  
3 thought initially that -- your initial complaint was  
4 that you were being double-billed. When you guys  
5 came to Oak Brook and met with the billing  
6 supervisor, he brought out his reports and showed  
7 that they were being deducted so they were not  
8 being --

9           MR. HAROLD SAVITZ: He brought out --

10          MR. GOLDSTEIN: There was no double-billing,  
11 Judge.

12          MR. HAROLD SAVITZ: They weren't deducted on  
13 the bills. They were on his piece of paper. I can  
14 make a piece of paper say anything.

15          MR. GOLDSTEIN: Well, that --

16          MR. HAROLD SAVITZ: I don't trust you guys.

17          MR. GOLDSTEIN: That's why I think we ought to  
18 go to an evidentiary hearing, Judge.

19          MR. HAROLD SAVITZ: If the Company --

20          MR. GOLDSTEIN: If --

21          JUDGE HAYNES: Hold on, Mr. Goldstein.

22          MR. HAROLD SAVITZ: -- representative gives me

1 a piece of paper and says, This is what we did,  
2 unless I can see it on the bill, he didn't do it.

3 MR. JOHN VALDEZ: He's correct. Well, the --  
4 on the bill --

5 MR. HAROLD SAVITZ: I trust the Edison Company.  
6 I did business with them for 60 years. I've got  
7 along with them, never had any problems until this  
8 came up. They've been double-billing us for 28  
9 years. Now, they tell me that there's a law saying  
10 you only can go back 2 years. Well, I know that  
11 they've been cheating us for 28 years --

12 MR. ALLEN KOVIN: Another thing --

13 MR. HAROLD SAVITZ: -- and I think we should  
14 get reimbursed for that. I think we should be  
15 reimbursed for that. You know, if somebody makes a  
16 mistake, it's one thing; but if they're really  
17 cheating you --

18 MR. ALLEN KOVIN: Okay. I'd like the -- I  
19 think that "cheating" is a strong term. Okay. I do,  
20 Harold.

21 MR. HAROLD SAVITZ: See, our governor just got  
22 put into jail for 14 years for cheating.

1           MR. ALLEN KOVIN: That's beside the point. I  
2   don't want to get into it. If I had these records  
3   going back 20 years, then, yes, okay; but I don't  
4   know --

5           MR. HAROLD SAVITZ: Al --

6           MR. ALLEN KOVIN: -- for a 4-year period  
7   they've got no present, no actual. No present, no  
8   actual.

9           JUDGE HAYNES: No meter readings?

10          MR. ALLEN KOVIN: No meter readings.

11          MR. JOHN VALDEZ: Well, we do have meter  
12   records. The recorder meters that we had installed  
13   on your billing statement, it just shows actual  
14   reads, your actual usage of what you used and when  
15   we -- prior to that, they had regular accumed man  
16   meters which shows actual reads and what your last --  
17   and it shows the deduction and that's what we -- but  
18   it has been recording your actual reads, it just  
19   hasn't been showing you on your bills because they  
20   are recorder meters.

21          MR. ALLEN KOVIN: Yeah; but, John, how are we  
22   supposed to know? Okay. We didn't -- we don't do

1 anything about this until the stuff hits the fan.

2 MR. JOHN VALDEZ: Right. Right.

3 MR. ALLEN KOVIN: Then we started all of a

4 sudden going back and stuff like that. Okay. How,

5 as a customer, are we -- if I was going to sit down

6 and go month by month by month if I get a monthly

7 bill, the way yours is set up here with no present,

8 no actuals, no nothing, no estimate, how am I

9 supposed to go from one month to one month to one

10 month to find out if we're being taken advantage of?

11 MR. JOHN VALDEZ: Well, I mean --

12 MR. ALLEN KOVIN: It is what it is, John.

13 MR. JOHN VALDEZ: Right.

14 MR. GOLDSTEIN: The problem --

15 MR. ALLEN KOVIN: I'm going back four years. I

16 can pull out any -- here, any invoice.

17 MR. GOLDSTEIN: Mr. Kovin, the problem is that

18 the billing format that you received is a billing

19 format that's been approved by this Commission and

20 so -- whether it's good, bad or indifferent, it is

21 what it is and unfortunately, you can't live with it.

22 Maybe the billing format should change, I don't know;

1 but the bottom line of it all is, that's what it was,  
2 that's what it remains to this day and, you know,  
3 we're going round and round and round time after time  
4 talking about the same things over and over and over  
5 again.

6 I can't concede to you that you are  
7 going to get any more credits from ComEd. Whatever  
8 credits you may or may not receive from Constellation  
9 are the credits that they may or may not give you.  
10 That's it. So if you don't agree with all that --  
11 and I'm certain you don't because I haven't heard one  
12 word of agreement from either you or Mr. Savitz this  
13 afternoon -- it's time to have an evidentiary  
14 hearing; you put on your evidence, we'll put on our  
15 evidence and let the Commission decide what should be  
16 done with your complaint.

17 JUDGE HAYNES: What about the '06 ComEd -- when  
18 ComEd was providing the --

19 MR. GOLDSTEIN: I don't know anything about  
20 that.

21 MR. ALLEN KOVIN: It's not on here, John.

22 MR. JOHN VALDEZ: So you got this?

1           MR. HAROLD SAVITZ: We have nothing to tell us  
2 what you're giving us credits for. You are just  
3 giving me money. How much money and what's it for?  
4 That's all we want to know.

5           MR. GOLDSTEIN: And when you know that, will  
6 that satisfy you?

7           MR. HAROLD SAVITZ: Yes.

8           MR. GOLDSTEIN: Okay.

9           MR. HAROLD SAVITZ: I want to know -- that's  
10 why I wouldn't sign --

11          MR. GOLDSTEIN: We'll get the billing person to  
12 do that.

13          MR. HAROLD SAVITZ: I want to know what we're  
14 getting and what the reason is.

15          MR. GOLDSTEIN: Well, you know what you're  
16 getting, you don't know the reason.

17          MR. HAROLD SAVITZ: I don't know what we're  
18 getting. We're getting numbers every month.

19          MR. ALLEN KOVIN: I have a question. You  
20 presented us with a spreadsheet that you folks  
21 presented to us. It shows that we were overcharged  
22 53,000 kilowatt hours. This is your spreadsheet and

1     now you are telling me that we may or we may not get  
2     it from Constellation New Energy.

3             MR. GOLDSTEIN:   I can't speak for them.   I  
4     can't speak for them, Allen.   I don't know.   I just  
5     can't.   I don't know what they're going to do.

6             MR. ALLEN KOVIN:   Your Honor --

7             MR. GOLDSTEIN:   I don't represent them.

8             MR. JOHN VALDEZ:   We provided Constellation  
9     this for -- on behalf of your account.   So, I'm  
10    sure -- I can't speak for them.

11            MR. HAROLD SAVITZ:   How about a letter from  
12    Edison stating that these figures are overcharges?

13            JUDGE HAYNES:   Has there been official  
14    acknowledgement by ComEd to Constellation that the  
15    metering was wrong and that they were overbilled?

16            MR. JOHN VALDEZ:   Well, that's the spreadsheet  
17    that our billers fill out as far as the over- -- they  
18    broke it out month by month of what the kilowatt  
19    hours are, so that was provided to Constellation for  
20    a credit for --

21            JUDGE HAYNES:   And what form was it provided?  
22    Was there a letter saying, Oops?   I mean, it was an



1 e-mail. How was it --

2 MR. GOLDSTEIN: How was it transmitted?

3 JUDGE HAYNES: Who do you think it -- who was

4 spoken to at Constellation?

5 MR. HAROLD SAVITZ: What's the explanation that

6 went with this spreadsheet?

7 MR. JOHN VALDEZ: I don't -- I mean -- a

8 credit -- I don't have the letter. No, I do not. I

9 can get one. I don't know. I'm not very familiar

10 with the billing. I mean, I know that those forms

11 were issued to the Billing Department month by month

12 of the overcharging of the kilowatt hours.

13 JUDGE HAYNES: Was provided to Constellation's

14 Billing Department?

15 MR. JOHN VALDEZ: Correct.

16 JUDGE HAYNES: And I'm just curious, what was

17 told to Constellation?

18 MR. JOHN VALDEZ: I can't answer.

19 MR. GOLDSTEIN: Mr. Valdez is an engineer, not

20 in the Billing Department.

21 JUDGE HAYNES: I didn't --

22 MR. GOLDSTEIN: I thought I'd tell you that,

1 Judge.

2 JUDGE HAYNES: Okay. Can I see what the  
3 spreadsheet...

4 MR. ALLEN KOVIN: Your Honor, if I could take a  
5 second. This is what the actual charges were and  
6 this is apparently the credits that we should  
7 receive. This is what we were charged, total. This  
8 is the credit.

9 (Discussion off the record.)

10 JUDGE HAYNES: We have had a discussion and I  
11 was trying to narrow down what was -- what issues are  
12 still outstanding and ComEd is going to go back and  
13 look at the 2006 bills that would have ComEd delivery  
14 charges and ComEd electricity supply and see what  
15 would be due to the complainants for that year.

16 Also, ComEd is going to provide the  
17 complainants an explanation for all of the credits  
18 that have been issued to The Manors of Highland Park.

19 And as far as Constellation is  
20 concerned, the complainants -- I don't think it's  
21 entirely clear what has been sent to Constellation --  
22 if it was just a spreadsheet, if a letter has already

1     been provided to Constellation explaining it, send  
2     a -- provide a copy of that to the complainants or  
3     else ComEd could send a letter to both Constellation  
4     and the complainants, what the situation is and what  
5     the meter errors were and if that would -- a copy  
6     would need to be provided to the complainants for  
7     that and I believe that is what the remaining issues  
8     are and it looks like parties may be able to settle  
9     this and -- although Mr. Kovin indicated that it was  
10    difficult for -- to keep coming here, I'm going to  
11    continue this matter until May 24th with the  
12    understanding that it might just be a conference call  
13    if it's not necessary for everybody to come in, and  
14    we also talked about the possibility that we might  
15    have to implead Constellation if that doesn't -- if  
16    The Manors isn't able to reach an agreement with  
17    Constellation.

18                   Is there something I have forgotten  
19    here?

20           MS. ERIN BUECHLER:   No, I don't think so.

21           JUDGE HAYNES:   Okay.   Well, if there's nothing  
22    else, then we are continued until May 24th at

1       10:00 a.m.

2                               (Whereupon, the hearing in the  
3                               above-entitled matter was continued  
4                               until May 24, 2012, at 10:00 a.m.)

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